2:21-cv-00399-DCN Date Filed 02/08/21 Entry Number 1-1 Page 1 of 14



COUNSELORS FOR JUSTICE

Catherine F. Juhas Attorney at Law Ivey B. Franklin Attorney at Law Isaac Grosswiler Attorney at Law

December 21, 2020

VIA CERTIFIED MAIL R/R/R AND RESTRICTED DELIVERY 7017 0190 0001 0186 5905

Attn: Registered Agent for Dollar General Corporation c/o Corporation Service Company 2908 Poston Avenue Nashville, TN 37203

Re: Idella Wilson and Frank Wilson v. Dollar General Corporation

Case No.: 2020-CP-18-01947

Dear Sir/Madam:

Enclosed please find for service upon you as the registered agent for Dollar General Corporation, two (2) copies of the Summons & Complaint filed in the Dorchester County Court of Common Pleas in the above-referenced matter.

Sincerely,

Ivey B. Franklin, Esquire Catherine F. Juhas, Esquire

Enclosures as stated.

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS) FOR THE 1ST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER) CASE NO: 2020-CP-18-61947
IDELLA WILSON AND FRANK WILSON,))
Plaintiffs,) SUMMONS
vs.) (Jury Trial Demanded)
DOLLAR GENERAL CORPORATION,	ý
Defendant.)

TO: THE DEFENDANT ABOVE-NAMED

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Complaint upon Plaintiffs or their attorneys, Catherine F. Juhas and Ivey B. Franklin, at their office located at 2185 Ashley Phosphate Road, Post Office Box 60068, North Charleston, South Carolina, 29419-0068, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to Answer the Complaint within the time frame aforesaid, Plaintiffs will apply to the Court for the relief demanded in the Complaint.

Dated at North Charleston, South Carolina on the 4th day of December, 2020.

WERN LAWYERS

s/ Ivey B. Franklin

Catherine F. Juhas, Esquire

SC Bar No.: 100375

Ivey B. Franklin, Esquire

SC Bar No.: 104131

2185 Ashley Phosphate Road

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ATTORNEYS FOR PLAINTIFFS

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS) FOR THE 1ST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER) CASE NO.: 2020-CP-18- <u>01947</u>)
IDELLA WILSON AND FRANK WILSON,)) COMPLAINT) (Jury Trial Demanded)
Plaintiffs,) ;
v. DOLLAR GENERAL CORPORATION,	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
Defendant.))

Plaintiffs, complaining of Defendant, allege and say as follows:

- That Plaintiff Idella Wilson is a citizen and resident of Dorchester County, State of South Carolina.
- 2. That Plaintiff Frank Wilson is a citizen and resident of Dorchester County, State of South Carolina.
- 3. That upon information and belief, Defendant Dollar General Corporation ("Defendant") is a corporation incorporated and existing under the laws of the State of Tennessee, doing business and/or owning property in the State of State of South Carolina, whose registered agent for service of process is Corporation Service Company located at 2908 Poston Avenue, Nashville, TN 37203.
- 4. That the trip and fall which is the subject of this action occurred in Dorchester County,
 State of South Carolina.
- 5. That this Court has jurisdiction over the parties and the subject matter of this action.
- 6. That on or about March 4, 2020, Plaintiff Idella Wilson was a customer, as an invitee and for the benefit of Defendant, at Defendant's place of business, Store #2849 located at

- 10150 Dorchester Road, Summerville, SC 29485 ("Premises").
- 7. That on or about March 4, 2020, due to the negligence of the Defendant, Plaintiff Idella Wilson tripped and fell while walking upon the Premises.
- 8. That as a natural and foreseeable result of Plaintiff's trip and fall, Plaintiff Idella Wilson suffered a high impact collision with the floor resulting in severe and acute injuries.
- 9. That Defendant, individually and/or by and through its agents and/or employees, had a duty to monitor and maintain the Premises to ensure it is safe and not dangerous to persons such as Plaintiff Idella Wilson.
- 10. That the Defendant either knew or should have known that the area where Plaintiff Idella Wilson fell presented a dangerous condition to persons entering the Premises, or that the Defendant created the dangerous condition.

FOR A FIRST CAUSE OF ACTION (Negligence)

- 11. That the allegations of Paragraphs 1-10 are hereby incorporated by reference as if rewritten verbatim herein.
- 12. That the fall and resulting injuries and damages to Plaintiff were caused directly and proximately by one or more of the following negligent, negligent *per se*, grossly negligent, careless, reckless, wanton and unlawful acts, and/or omissions of the Defendant in any one or more of the following ways:
 - a. In failing to properly monitor and maintain its Premises, including the walkway and entrance, in a reasonably safe manner for persons lawfully on the Premises, such as Plaintiff;
 - b. In failing to observe the dangerous condition of the Premises;

- In failing to adequately warn Plaintiff as to any dangers that may be present on the Premises;
- In failing to appreciate the gravity of the dangers associated with a hazardous condition on the Premises;
- In failing and omitting to take any precautions whatsoever of a reasonable nature to protect this Plaintiff from the danger on the Premises on the occasion that Plaintiff was using the same;
- In failing to enact policies to ensure the safety of licensees and invitees on the Premises;
- In failing to properly supervise in the correct maintenance of the Premises;
- In any such other manner the Plaintiffs may discover through discovery and/or at trial.
- 13. That as a direct and proximate result of the negligence, gross negligence, carelessness, recklessness, willfulness, and wantonness of the Defendant, as is set forth more fully above, Plaintiff Idella Wilson has been damaged and injured in the following respects:
 - Plaintiff has been required to expend a significant amount of money for Plaintiff's medical care and treatment;
 - Upon information and belief, the nature of Plaintiff's injuries will require her to expend a significant amount of money for future medical care and treatment;
 - The nature and pain of Plaintiff's injuries has resulted in Plaintiff's loss of enjoyment of life and changes in her personality, all to the permanent detriment to her health and physical well-being.

FOR A SECOND CAUSE OF ACTION (Loss of Consortium)

- 15. That Plaintiffs repeat and reiterate the allegations contained in Paragraphs 1-14 as if restated herein verbatim.
- 16. That as a direct and proximate result of Defendant's negligence as described more fully above, Plaintiff Frank Wilson suffered a loss of the services, society, and companionship with his lawful wife, Plaintiff Idella Wilson, with whom he is and was living with at the time of the incident which is the subject of this action.
- 17. That as a further direct and proximate result of the Defendant's negligence, Plaintiff
 Frank Wilson suffered damages for the expenses of care and treatment of his wife,
 Plaintiff Idella Wilson.
- 18. That Defendant owed a duty of due care to Plaintiff Frank Wilson, which Defendant failed to meet, thereby causing substantial damage to Plaintiff Frank Wilson.
- 19. That because of the Defendant's acts and omissions and the proximate harm resulting to Plaintiffs, Plaintiffs should be awarded punitive damages in an amount to be determined by the trier of fact, in order to punish and penalize the Defendant and to deter the Defendant and others from similar behavior.
- 20. That upon information and belief, Plaintiffs are entitled to judgment against the Defendant for actual, compensatory and exemplary or punitive damages for Plaintiffs' personal injuries set forth herein in an amount that is fair, just and reasonable under the

circumstances, plus whatever costs, interest, and attorney's fees that she may be entitled, to be determined by a jury.

WHEREFORE, the Plaintiff prays for judgment against the Defendant for an amount to be ascertained by the jury at the trial of this action, for all damages, punitive and actual, for the cost and disbursements of this action, post judgment interest, and for such other and further relief, in law or in equity, as this court may deem just and proper.

Respectfully submitted,

WERN LAWYERS

/s/ Ivey B. Franklin

Ivey B. Franklin, Esquire SC Bar No.: 104131

Catherine F. Juhas, Esquire

SC Bar No.: 100375

2185 Ashley Phosphate Road

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ATTORNEYS FOR PLAINTIFFS

December 4, 2020 North Charleston, South Carolina

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS) FOR THE 1ST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER) CASE NO: 2020-CP-18-01947
IDELLA WILSON AND FRANK WILSON,) }
Plaintiffs, vs.	SUMMONS (Jury Trial Demanded)
DOLLAR GENERAL CORPORATION,))
Defendant.	,)

TO: THE DEFENDANT ABOVE-NAMED

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Complaint upon Plaintiffs or their attorneys, Catherine F. Juhas and Ivey B. Franklin, at their office located at 2185 Ashley Phosphate Road, Post Office Box 60068, North Charleston, South Carolina, 29419-0068, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to Answer the Complaint within the time frame aforesaid, Plaintiffs will apply to the Court for the relief demanded in the Complaint.

Dated at North Charleston, South Carolina on the 4th day of December, 2020.

WERN LAWYERS

s/ Ivey B. Franklin
Catherine F. Juhas, Esquire

SC Bar No.: 100375

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Ivey B. Franklin, Esquire

SC Bar No.: 104131

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ATTORNEYS FOR PLAINTIFFS

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER) IN THE COURT OF COMMON PLEAS) FOR THE 1ST JUDICIAL CIRCUIT) CASE NO.: 2020-CP-18- <u>0194</u> 7
IDELLA WILSON AND FRANK WILSON, Plaintiffs,	COMPLAINT (Jury Trial Demanded)
v. DOLLAR GENERAL CORPORATION,)
Defendant.)

Plaintiffs, complaining of Defendant, allege and say as follows:

- That Plaintiff Idella Wilson is a citizen and resident of Dorchester County, State of South Carolina.
- That Plaintiff Frank Wilson is a citizen and resident of Dorchester County, State of South Carolina.
- 3. That upon information and belief, Defendant Dollar General Corporation ("Defendant") is a corporation incorporated and existing under the laws of the State of Tennessee, doing business and/or owning property in the State of State of South Carolina, whose registered agent for service of process is Corporation Service Company located at 2908 Poston Avenue, Nashville, TN 37203.
- 4. That the trip and fall which is the subject of this action occurred in Dorchester County,
 State of South Carolina.
- 5. That this Court has jurisdiction over the parties and the subject matter of this action.
- 6. That on or about March 4, 2020, Plaintiff Idella Wilson was a customer, as an invitee and for the benefit of Defendant, at Defendant's place of business, Store #2849 located at

- 10150 Dorchester Road, Summerville, SC 29485 ("Premises").
- 7. That on or about March 4, 2020, due to the negligence of the Defendant, Plaintiff Idella Wilson tripped and fell while walking upon the Premises.
- 8. That as a natural and foreseeable result of Plaintiff's trip and fall, Plaintiff Idella Wilson suffered a high impact collision with the floor resulting in severe and acute injuries.
- 9. That Defendant, individually and/or by and through its agents and/or employees, had a duty to monitor and maintain the Premises to ensure it is safe and not dangerous to persons such as Plaintiff Idella Wilson.
- 10. That the Defendant either knew or should have known that the area where Plaintiff Idella
 Wilson fell presented a dangerous condition to persons entering the Premises, or that the
 Defendant created the dangerous condition.

FOR A FIRST CAUSE OF ACTION (Negligence)

- 11. That the allegations of Paragraphs 1-10 are hereby incorporated by reference as if rewritten verbatim herein.
- 12. That the fall and resulting injuries and damages to Plaintiff were caused directly and proximately by one or more of the following negligent, negligent per se, grossly negligent, careless, reckless, wanton and unlawful acts, and/or omissions of the Defendant in any one or more of the following ways:
 - a. In failing to properly monitor and maintain its Premises, including the walkway and entrance, in a reasonably safe manner for persons lawfully on the Premises, such as Plaintiff;
 - b. In failing to observe the dangerous condition of the Premises;

- In failing to adequately warn Plaintiff as to any dangers that may be present on the Premises;
- In failing to appreciate the gravity of the dangers associated with a hazardous condition on the Premises;
- In failing and omitting to take any precautions whatsoever of a reasonable nature to protect this Plaintiff from the danger on the Premises on the occasion that Plaintiff was using the same;
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- In any such other manner the Plaintiffs may discover through discovery and/or at trial.
- 13. That as a direct and proximate result of the negligence, gross negligence, carelessness, recklessness, willfulness, and wantonness of the Defendant, as is set forth more fully above, Plaintiff Idella Wilson has been damaged and injured in the following respects:
 - Plaintiff has been required to expend a significant amount of money for Plaintiff's medical care and treatment;
 - Upon information and belief, the nature of Plaintiff's injuries will require her to expend a significant amount of money for future medical care and treatment;
 - The nature and pain of Plaintiff's injuries has resulted in Plaintiff's loss of enjoyment of life and changes in her personality, all to the permanent detriment to her health and physical well-being.

14. The Defendant's acts and omissions, as are set forth more fully above, show willful misconduct, malice, wantonness, and an entire want of care, raising a presumption of the Defendant's conscious indifference to the consequences of such acts or omissions.

FOR A SECOND CAUSE OF ACTION (Loss of Consortium)

- 15. That Plaintiffs repeat and reiterate the allegations contained in Paragraphs 1-14 as if restated herein verbatim.
- 16. That as a direct and proximate result of Defendant's negligence as described more fully above, Plaintiff Frank Wilson suffered a loss of the services, society, and companionship with his lawful wife, Plaintiff Idella Wilson, with whom he is and was living with at the time of the incident which is the subject of this action.
- 17. That as a further direct and proximate result of the Defendant's negligence, Plaintiff
 Frank Wilson suffered damages for the expenses of care and treatment of his wife,
 Plaintiff Idella Wilson.
- 18. That Defendant owed a duty of due care to Plaintiff Frank Wilson, which Defendant failed to meet, thereby causing substantial damage to Plaintiff Frank Wilson.
- 19. That because of the Defendant's acts and omissions and the proximate harm resulting to Plaintiffs, Plaintiffs should be awarded punitive damages in an amount to be determined by the trier of fact, in order to punish and penalize the Defendant and to deter the Defendant and others from similar behavior.
- 20. That upon information and belief, Plaintiffs are entitled to judgment against the Defendant for actual, compensatory and exemplary or punitive damages for Plaintiffs' personal injuries set forth herein in an amount that is fair, just and reasonable under the

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WHEREFORE, the Plaintiff prays for judgment against the Defendant for an amount to be ascertained by the jury at the trial of this action, for all damages, punitive and actual, for the cost and disbursements of this action, post judgment interest, and for such other and further relief, in law or in equity, as this court may deem just and proper.

Respectfully submitted,

WERN LAWYERS

/s/ Ivey B. Franklin

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SC Bar No.: 104131

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ATTORNEYS FOR PLAINTIFFS

December 4, 2020 North Charleston, South Carolina

Post Office Box 60068 North Charleston, SC 29419



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CERTIFIED MAIL R/R/R RESTRICTED DELIVERY 7017-0190 0001 0186 5905

Attn: Registered Agent for Dollar General Corporation c/o Corporation Service Company 2908 Poston Avenue Nashville, TN 37203

